

**Roger K. Harris, OSB #78046**  
E-mail: roger@hbclawyers.com  
**Shawn M. Lindsay, OSB #02069**  
E-mail: shawn@hbclawyers.com  
**HARRIS BERNE CHRISTENSEN LLP**  
5000 SW Meadows Road, Suite 400  
Lake Oswego, OR 97035-2224  
Telephone: (503) 968-1475  
Fax: (503) 968-2003  
of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

GAIL M. COPE,

Case No. 04-CV-493-BR

Plaintiff,

v.

MBNA AMERICA BANK, NA, a national  
banking association,

Defendant.

STATE OF OREGON )  
                      )  
County of Clackamas ) ss.

**DECLARATION OF ROGER K.  
HARRIS IN SUPPORT OF GAIL  
COPE'S MEMORANDUM IN  
OPPOSITION TO MBNA'S MOTION  
FOR SUMMARY JUDGMENT**

I, Roger K. Harris, having been first duly sworn, hereby declare that:

1. I am one of the attorneys representing plaintiff Gail M. Cope in the above-referenced action. I make this affidavit of my personal knowledge in support of Gail M. Cope's Memorandum in Opposition to MBNA America Bank, N.A.'s Motion for Summary Judgment.

2. Gail Cope's responses to MBNA's interrogatories were given before depositions were taken and before most of the discovery in this case was completed, and were based only on information known and available to Gail Cope at that time.

3. The following marked exhibits are true copies of the original document,

authenticated deposition exhibits pursuant to the stipulation of counsel and/or by deponent testimony, and/or designated pages of deposition transcripts of the persons identified on the first page of each of those exhibits. This exhibit index briefly describes the documents behind each numbered tab (exhibits are numbered to correspond with exhibits filed in support of plaintiff's motion for summary adjudication):

**Exhibit 1**—Gail M. Cope Deposition: pages 33; 118; 158-159.

**Exhibit 2**—Rachel Cope Deposition: pages 212-216.

**Exhibit 8**—MBNA designated witness, Denise A. English Deposition: pages 72-73; 93; 127-128; 130-131; 134-135; 145-147; 151-153; 162; 180-182; 192-193.

**Exhibit 9**—Billing statement on Rachel Cope's MBNA Visa Card Account, April and May 2000 (Deposition Exhibit 5-Partial).

**Exhibit 10**—MBNA archived customer records, Rachel Cope accounts (Deposition Exhibit 27-Partial).

**Exhibit 11**—MBNA designated witness, Catie O'Donoghue Deposition: pages 23; 25; 47-49; 66-67; 69-72; 82-83.

**Exhibit 12**—MBNA credit card promotion material (Deposition Exhibit 30).

**Exhibit 13**—MBNA Credit Card Agreement (Deposition Exhibit 29).

**Exhibit 14**—Equifax letter to Gail Cope dated Feb. 24, 2003: Authenticated by Affidavit of Gail Cope in Support of Her Motion for Summary Adjudication (see Exhibit 27 below).

**Exhibit 15**—Equifax Deposition Upon Written Questions.

**Exhibit 16**—Experian letter to Gail Cope dated March 28, 2003 (pages 1 and 3): Authenticated by Affidavit of Gail Cope in Support of Her Motion for Summary Adjudication (see Exhibit 27 below).

**Exhibit 17**—MBNA's responses to Experian and Equifax dated Jan. 31, 2003

(Deposition Exhibit 26).

**Exhibit 18**—Trans Union letter to Gail Cope dated May 20, 2003 (page 1); Authenticated by Affidavit of Gail Cope in Support of Her Motion for Summary Adjudication (see Exhibit 27 below).

**Exhibit 19**—Trans Union Answer to Deposition Upon Written Questions and Trans Union consumer record for Gail Cope dated May 8, 2003.

**Exhibit 20**—Gail Cope letter to MBNA dated September 17, 2002 (Deposition Exhibit 14).

**Exhibit 22**—Anne P. Fortney Deposition: pages 120 and 124.

**Exhibit 23**—Evan Hendricks Deposition: pages 159-160; 174; 218; 228-231.

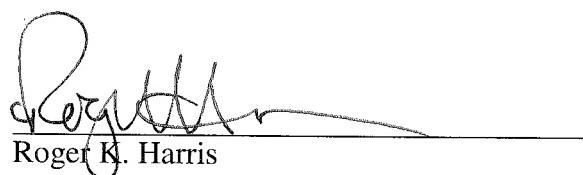
**Exhibit 25**—Evan Hendricks Expert Witness Report (Deposition Exhibit EH-1-Partial).

**Exhibit 26**—FTC Official Staff Commentary §610.

**Exhibit 27**—Affidavit of Gail Cope in Support of Her Motion for Summary Adjudication.

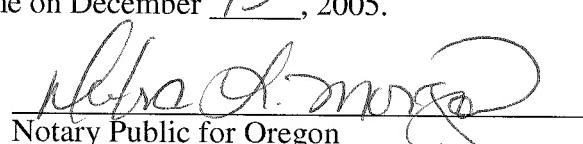
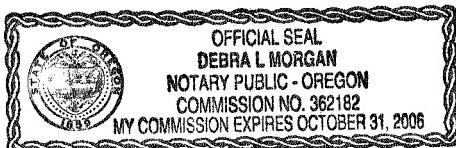
**Exhibit 28**—Affidavit of Mylo Cope in Support of Gail Cope's Motion for Summary Adjudication.

DATED this 13<sup>th</sup> day of December, 2005



Roger K. Harris

SUBSCRIBED AND SWORN TO before me on December 13<sup>th</sup>, 2005.



Debra L. Morgan  
Notary Public for Oregon  
My commission expires: 10-31-06